IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22-1-2007

Coram

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice N.PAUL VASANTHAKUMAR

W.A.No.1371 and 1424 of 2002

South India Packaged Drinking Water
Manufacturers Association,
rep.by its General Secretary,
Mr.P.Singaram, No.5, 8th Street,
Gopalapuram,
Chennai - 600 086. ...Appellant in both appeals/
Petitioner

Vs.

1. Union of India,
rep.by Secretary of Ministry of Health and family Welfare
(Department of Health), New Delhi.

2. Government of Tamil Nadu, rep.by Secretary,
Ministry of Municipal Administration and Water Supply,
Food (Health) Authority, Chennai.

3. Commissioner of Municipal Administration,
Chepauk, Chennai.

4. Vanishree Gnaneswaran

5. The Director of Public Health
and Preventive Medicine,
State (Health) Authority, 359, Anna Salai,
Chennai - 600 006. ... Respondents in both appeals/
Respondents

These writ appeal is filed under Clause 15 of Letters Patent against the order of the learned single Judge in WMP No.11922 of 2001 in W.P.No.8396 of 2001 dated 29.10.2001 and WMP No.8378 of 2001 in W.P.No.5913 of 2001 dated 29.10.2001 respectively prayer in WMP 11922/01 in WP 8396/01 and 8378/01 in WP 5913/01 petitions filed

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praying to grant stay the operation of the notification in G.S.R.No.760(E) dated 29.9.2000 and the prevention of food Adulteration Rules ,2000.

WP prayer WP 8378/2001 & 5913/2001 issue a writ of Declaration declaring that the notification in GSR No.760 (E) dated 29.9.2000 and the prevention of Food Adulteration (76th Amendment) Rules 2000 issued by the first respondent is ultravires of the prevention of Food Adulteration Act, and Bureau of Indian Standards Act 1989 null and void.

For Appellants : Mr.S.Silambannan

For 1st Respondent : Mr.P.Wilson,
Asst. Solicitor General

For Respondents 2,3&5 : Mr.K.Elango,
Special Govt. Pleader

For 4th Respondent : No appearance

J U D G M E N T

(Judgment of the Court was made by P.SATHASIVAM, J.)

The above writ appeals are directed against the order dated 29.10.2001 passed in W.M.P.No.11922 of 2001 in W.P.No.8396 of 2001 and WMP No.8378 of 2001 in W.P.No.5913 of 2001 respectively.

2. Heard the learned counsel appearing for the appellants as well as the contesting respondents.

3. In view of the fact that the main writ petitions are of the year 2001 and considering the relief sought for in the writ petitions, we are of the view that it is desirable to dispose of the main writ petitions themselves, instead of considering the orders passed in the miscellaneous petitions. There is no serious objection by any of the parties for adopting the said course.

4. Hence, the Registry is directed to post W.P.Nos.5913 of 2001 and 8396 of 2001 and other connected petitions, if any, on 26.2.2007, for final disposal before the concerned Judge, dealing with the subject.

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Both the writ appeals are disposed of with the above direction. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

vr

To

1. The Secretary of Ministry of Health and family Welfare
(Department of Health), Union of India, New Delhi.

2. The Secretary,
Ministry of Municipal Administration & Water Supply,
Food (Health) Authority, Government of Tamil Nadu,
Chennai.

3. The Commissioner of Municipal Administration,
Chepauk, Chennai.

4. The Director of Public Health and Preventive Medicine,
State (Health) Authority, 359, Anna Salai,
Chennai - 600 006.

5. The Section Officer,
Writ Section, High Court, Madras.

+1cc to Mr.P.Wilson, Advocate Sr 4176

+1cc to Mr.S.Silambanan, Advocate Sr 3875

MJ (CO)
km/5.2.

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